

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

EARL HANCOCK, as Executor of the	:	
Estate of Carol Cleo Hancock,	:	
Deceased,	:	
	:	
Plaintiff,	:	
	:	Civil Action No.7:06-CV-25 (HL)
	:	
ECOLAB, Inc.; ESTEBAN RUIZ;	:	
and GELCO Corporation,	:	
	:	
Defendants.	:	

ORDER

This matter came before the Court for a telephone conference on August 16, 2006. After hearing from the parties, the Court hereby directs as follows.

1. The deadlines for identifying experts, as set by Order entered August 3, 2006, shall remain in place. Counsel for Plaintiff have indicated to the Court that they anticipate being able to identify an expert within the time provided. Counsel for Defendants have expressed some doubt as to their ability to identify their expert in a timely manner due to the unavailability of Plaintiff's medical records. In the event that Defendants find themselves unable to meet the deadline for identifying an expert, the Court will entertain an appropriate motion.

2. Counsel for Plaintiff will not be required to provide the HIPAA-compliant authorization sought by Defendants. The parties are directed to proceed with discovery as the rules otherwise direct. However, should Defendants be of the opinion that the Court's

assistance is required in order to obtain Plaintiff's medical records, Defendants should file an appropriate motion with the Court.

3. Plaintiff's Motion to Dismiss Defendant GELCO Corporation, made by letter docketed August 8, 2006, is denied. The Court will not condition the dismissal on the right of Plaintiff to refile against GELCO Corporation within four months from the date of dismissal. The parties are directed to focus their discovery efforts on the liability of GELCO Corporation until such time as a determination can be made by Plaintiff as to GELCO Corporations's liability, if any, at which time Plaintiff can move for dismissal of GELCO Corporation, if appropriate.

SO ORDERED, this the 18th day of August, 2006.

s/ **Hugh Lawson**
HUGH LAWSON, JUDGE

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